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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,242	10/23/2001	Timo Vesterinen	975.371USW1	3310

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EXAMINER

NGUYEN, HANH N

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,242

Applicant(s)

VESTERINEN, TIMO

Examiner

Hanh Nguyen

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Application filed on 09/2/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-10 and 13-15 are rejected under 35 USC 103(a) as being unpatentable over Petrunka et al. (US Pat. No. 6122364) in view of Cheung et al. (Pat. 6,657,957).

In claims 1-3, 7, 8 and 13-15, Petrunka et al. discloses, in Fig.1&4, a network call center 1100 (network control device), data network 1500 ( a first network), PSTN 1400 (a second network), a high level switch 1110 ( switching device) and VOIP server 1140 (gateway) connected between the switch 1110 and the data network (gateway connected between switch device and the first network). A customer 1200 establishes a call to agent 1300 via PSTN 1400, switch 1110, VOIP server 1140 and IP network 1500 requesting for a service (telephone traffic is supplied from second network via switching device, gateway and first network). See col.4, line 56 to col.5, line 25. Server 1120 of call center 1100 instructs VOIP server 1140 to route the call to agent 1300 based on service request from customer 1200 to establish voice over IP network 1500 (network control device controls gateway using signaling associated with the first network). See col.3, lines 30-55. Petrunka et al. does not disclose the network control device loads control software for said interface device via said first network.

Cheung et al. discloses, in Fig.4, an admission control gateway 300 ( interface device) comprises instructions 240 (control software, see col.7, lines 36-60) received from QOS service

computer 320 (network control device, see col.8, lines 25-48) via network 340 (first network) in order to determine call quality requirement for calls from computer 310. Therefore, it would have been obvious to one skilled in the art to load control software from network call center into VOIP server as suggested by Cheung et al. 's teaching in order to control call admission at gateway.

In claim 10, Petrunka et al. discloses, in Fig.1, the VOIP server 1140 (gateway) is connected to switch 1110 (gateway is connected to switching device). See col.5, lines 22-27.

In claims 4 and 9, Petrunka et al. discloses the gateway is a part of network control device, but does not disclose the network control service is located remotely from the gateway. Cheung et al. discloses, in Fig.4, the QOS service computer 320 (network control device) is physically removed from the admission control gateway 300. However, it is well-known to locate the network controller either remotely or locally from the interface device. Therefore, it would have been obvious to one skilled in the art to locate in the **Petrunka et al.** the network call center and VOIP server separately without changing functions of the inventions.

In claim 5, **Petrunka et al.** does not disclose controlling parameters of the gateways. **Cheung et al.** discloses, in Fig.3, an admission control gateway 100 that determining network performance parameters such as call delays ( determining parameters of gateways). See col.8, lines 25-45. Therefore, it would have been obvious to one ordinary skill in the art to determine network parameters in order to enhance network performance.

Claims 11 and 12 are rejected under 35 USC 102(e) as being unpatentable over **Petrunka et al.** (US Pat. No. 6,122,364).

In claims 11 and 12, **Petrunka et al.** discloses that switch 1110 is connected to VOIP server 1140 (gateway). The switch 1110 is well-known in the art to have multiple ports or slots that switch data to different destination by using plug-in slots. Therefore, it would have been obvious to one ordinary skill in the art to connect the gateway to connecting means such as slots in place of exchange terminal.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5 and 7-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

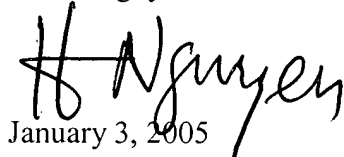
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



January 3, 2005

**HANH NGUYEN**  
**PRIMARY EXAMINER**